

**Sisk, Richard**

**From:** Schmittiel, Paula  
**Sent:** Wednesday, April 17, 2013 1:36 PM  
**To:** Judy Montero (judy.montero@denvergov.org); Nola Miguel (nola.miguel@denvergov.org); Chy Montoya (Chy.Montoya@denvergov.org); Beth Truby (beth.truby@denvergov.org); Jen Clanahan (Jennifer.Clanahan@mail.house.gov); 'lisa.farrell@ci.denver.co.us'  
**Cc:** Chergo, Jennifer; Sisk, Richard; Hestmark, Martin  
**Subject:** VB/I-70 - OU-01 Follow-up to meeting  
**Attachments:** 10ARP13 DRAFT 2nd Last Chance CLEANUP w-Notice of EC.docx; 10APR13 DRAFT 2nd Last Chance Sampling w-Notice of EC.docx; 10APR13 DRAFT 1st LastChance CLEANUP Ltr.docx; 10ARP13 DRAFT 1st Last Chance Sampling.docx; Example of 2nd Notice draft April 2013.docx; No cleanup Notice Draft 10APR13.docx; No sampling Notice Draft 10APR13.docx; New VB I-70 Consent Access June 2012 FINAL.docx; Spanish New VB I-70 Consent Access June 2012 FINAL.docx



All – EPA would like to thank all of you for your time and your willingness to assist EPA in reaching out to the residents of the VB/I-70 community that EPA have been unable to obtain their permission for access. Per our discussion yesterday, EPA will delay the sending of “last chance” letters until the end of May to give the Council offices a chance to make one last effort at reaching out to these residents.

Attached to this email are two versions of two letters that EPA intends to send to residents should we not receive permission for access. The letters are as follows:

1. 1<sup>st</sup> “last chance” letter for properties not previously sampled – includes an example of the Notice of Environmental Conditions.
2. 2<sup>nd</sup> “last chance” letter for properties not previously sampled – includes actual Notice of Environmental Conditions for the property (with legal property description)
3. 1<sup>st</sup> “last chance” letter for properties not cleaned up but that have contamination based on sampling results – includes an example of Notice of Environmental Conditions
4. 2<sup>nd</sup> “last chance” letter for properties not cleaned up but that have contamination based on sampling results – includes actual Notice of Environmental Conditions for the property (with legal description).

An access agreement will be included with all letters which I have included as an attachment to this letter. I've also included the Spanish version of the access agreement.

Attached to this email is also drafts of the two versions of the Notices of Environmental Conditions that EPA would file on unaddressed properties. The Notices are as follows:

1. 1<sup>st</sup> version of the Notice is for properties that have not been sampled
2. 2<sup>nd</sup> Notice is for properties where there is known contamination based on previous sampling but has not been cleaned up.

EPA would welcome your comments on the letters and Notices. We have also attached as an example a draft of what a 2<sup>nd</sup> Notice could look like if at some future date, EPA was able to sample and/or cleanup the property. The intent of this 2<sup>nd</sup> Notice would be to negate the 1<sup>st</sup> Notice but it would be specific to the date & situation pertaining to that property.

If you have any questions concerning any of the attachments to this email, please do not hesitate to contact either Jennifer Chergo at 303-312-6601 or myself. My contact information is provided below.

Thank you.

Paula Schmittdiel

Remedial Project Manager  
U.S. Environmental Protection Agency  
1595 Wynkoop St.  
Denver, CO 80202  
Office: 303-312-6861  
Cell: 720-951-0795



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8**

1595 Wynkoop Street  
DENVER, CO 80202-1129  
Phone 800-227-8917  
<http://www.epa.gov/region08>

**URGENT: PLEASE READ AND RESPOND**

**Spanish Speakers:** Si desea esta información en español, por favor póngase en contacto con Jennifer Chergo al telefono numero 303-312-6601 ó [chergo.jennifer@epa.gov](mailto:chergo.jennifer@epa.gov)

Ref: 8EPR

DATE

NAME

MAILING ADDRESS 1

MAILING ADDRESS 2

RE: PROPERTY ADDRESS

CERTIFIED MAIL

Dear NAME:

By certified mail, the U.S. Environmental Protection Agency (EPA) is providing you as the owner of the above referenced Property written notice of and an opportunity to comment on the filing of this Notice.

The EPA has attempted to contact you regarding known soil contamination found at your property. **The letter recently mailed to you on April 19 2013 was your last opportunity to have the EPA cleanup [lead or arsenic] contamination in the yard soils at your property as part of the cleanup of the Vasquez Boulevard/Interstate 70 (VB/I-70) Superfund Site.**

We explained in our previous letter that if you would not sign the consent for access, the EPA would be obliged to inform future owners and residents concerning the environmental conditions found at your property. The EPA will undertake the following measures to make sure that future residents are informed about the soil contamination at your property:

1. **Each year, the EPA will mail a letter to the owner of the property and, if it is a rental property, to the occupants.** The annual letters will explain the soil contamination in the yard of this property, that the EPA has not removed and replaced the contaminated soil and what steps residents can take to protect themselves from possible exposures to this soil contamination. This action will commence later in 2013.
2. **The EPA will file and record a Notice of Environmental Conditions with the Clerk and Recorder's Office of the City and County of Denver on your Property.**

**Enclosed with this letter is a copy of the Notice that the EPA will file at the Clerk and Recorder's Office on your property.** The Notice will address only yard soils and their status relative to sampling and cleanup. The purpose of the Notice is to notify future potential owners of contamination in your yard soil.

The EPA's records regarding your Property and the Site may be requested from the U.S. Environmental Protection Agency, Remedial Project Manager, Vasquez Boulevard and Interstate 70 Superfund Site, 1595 Wynkoop Street, Denver, Colorado 80202.

If you believe that there is a valid reason why the EPA should not place this Notice on your Property, please identify said reason in writing. This written explanation should be received no later than 10 working days from the date that you receive this letter. The EPA will evaluate the explanation in your letter and notify you of its decision regarding filing of the Notice.

**If you wish to avoid having the EPA file this Notice on your Property, you may sign and return the consent for access enclosed with this letter. A signed consent for access should be received in our office before May 21, 2013.**

If you have any questions regarding the Notice or soil sampling at the above referenced Property, please contact me or Jennifer Chergo, the EPA Community Involvement Coordinator for the VB/I-70 Site, at (303) 312-6601, or by e:mail at [chergo.jennifer@epa.gov](mailto:chergo.jennifer@epa.gov). If you are submitting a written explanation concerning the justification for the Notice, please send that written explanation to me, either by letter or e-mail.

We appreciate your cooperation in this important matter of environmental protection.

Sincerely,

Paula Schmittiel  
EPA Remedial Project Manager  
U.S. Environmental Protection Agency  
Region 8  
1595 Wynkoop Street  
Denver, Colorado 80202-1129  
Mail Code: 8EPR-SR  
(303) 312-6861  
[schmittiel.paula@epa.gov](mailto:schmittiel.paula@epa.gov)

Enclosures:  
Notice of Environmental Conditions

EPA Consent for Access Form

DRAFT





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

1595 Wynkoop Street  
DENVER, CO 80202-1129  
Phone 800-227-8917  
<http://www.epa.gov/region08>

**URGENT: PLEASE READ AND RESPOND**

**Spanish Speakers:** Si desea esta información en español, por favor póngase en contacto con Jennifer Chergo al telefono numero 303-312-6601 ó [chergo.jennifer@epa.gov](mailto:chergo.jennifer@epa.gov)

Ref:

DATE:

NAME

MAILING ADDRESS 1

MAILING ADDRESS 2

RE: PROPERTY ADDRESS

Dear NAME:

As you may know, your property listed above is within the boundaries of the Vasquez Boulevard/Interstate 70 (VB/I-70) Superfund Site. The U.S. Environmental Protection Agency (EPA) Superfund Program has previously sampled this property for lead and arsenic. The sampling results showed [lead or arsenic] in your yard soil is [are] above the EPA cleanup standard (See sampling results enclosed). Lead or arsenic in the yard soil at this property could be harmful to the health of the people living there.

The EPA has attempted to contact you regarding soil contamination at the above referenced property. **This letter is intended to provide you with one last chance to sign the attached consent for access that gives the EPA permission to cleanup up [lead or arsenic] contamination from your yard prior to the EPA proceeding with additional steps to ensure protection of human health and the environment at the VB/I-70 Superfund Site.**

If you sign and return the attached consent for access, the EPA will remove and replace the contaminated soil at your property as part of the federally funded cleanup of the VB/I-70 site. As part of the soil cleanup, the EPA will re-landscape the property to a similar or slightly improved condition. **Please sign and return the attached consent for access by May 21, 2013.**

**If you do not consent to the EPA cleaning up your property, the EPA must then consider protection of future residents from potential exposure to the contaminated soils in your yard. The EPA will do two things to make sure that future residents are informed about**

**the contamination at your property.**

**1. Each year, EPA will mail a letter to the owner of the property and, if it is a rental property, to the occupants.** The annual letter will explain that sampling has shown elevated levels of [lead or arsenic] in the yard soil at this property, that the contaminated soil on the property has not been removed and replaced and what steps residents can take to protect themselves from exposure to lead and arsenic.

**2. The EPA will file with the Clerk and Records Office of the City and County of Denver a notice of environmental conditions concerning your property.** This notice will address only yard soils and their status relative to a soil cleanup. An example of the Notice that would be filed is attached to this letter.

Again, we request that you sign and return the attached consent for access by May 21, 2013. If you have any questions regarding the soil cleanup at your property, please contact either myself or Jennifer Chergo, EPA Community Involvement Coordinator, (303) 312-6601, [chergo.jennifer@epa.gov](mailto:chergo.jennifer@epa.gov).

We appreciate your cooperation in this important matter of environmental protection.

Sincerely,

Paula Schmittiel  
EPA Remedial Project Manager  
(303) 312-6861  
[schmittiel.paula@epa.gov](mailto:schmittiel.paula@epa.gov)

Enclosures:  
EPA Access Agreement  
Sampling Results  
Example of Notice of Environmental Conditions

# SAMPLING RESULTS for ADDRESS

	Property address	EPA Cleanup Level (EPA conducts soil removal and replacements at or above the following levels):
Lead	XX parts per million (ppm)	400 ppm
Arsenic	XX ppm	70 ppm

DRAFT





**When Recorded Return To:**  
**Remedial Project Manager, EPR-SR**  
**Vasquez Boulevard and Interstate 70 Superfund Site**  
**U.S. Environmental Protection Agency, Region 8**  
**1595 Wynkoop Street, Denver, CO 80202**

## **NOTICE OF ENVIRONMENTAL CONDITIONS**

WHEREAS, [Name of Owner] is the owner of record of the real property (referred to as "the Property") located at [ADDRESS], Denver, Colorado [insert zip code], and more particularly described as follows:

(Insert legal description as shown in Denver records)

WHEREAS, the Property is within the boundaries of Operable Unit 1 of the Vasquez Boulevard and Interstate 70 Superfund Site (Site), as described in the Record of Decision (ROD) signed by United States Environmental Protection Agency (EPA) on September 25, 2003.

WHEREAS, on (Date), (reception number), EPA prepared and recorded a Notice of Potential Environmental Conditions to disclose potential environmental conditions of the Property to subsequent owners of the Property.

WHEREAS, EPA has received information regarding environmental conditions at this Property and EPA has prepared and recorded this Notice of Environmental Conditions ("Notice").

NOW, THEREFORE, NOTICE is hereby given that, as of the date of this Notice, the EPA has received information regarding environmental conditions for the above described Property and the Notice of Potential Environmental Conditions is hereby withdrawn in its entirety.

EPA obtained soil samples from over 4000 residential properties within the Site. Of this total, over 800 properties showed levels of lead and/or arsenic contamination that could present unacceptable risk to or make the property unsafe for children or adults. The levels at which EPA determined that lead and/or arsenic in soil present an unacceptable risk (the so-called "action levels" in the ROD) were 400 parts per million (ppm) or greater for lead and 70 ppm or greater for arsenic.

Subsequent to the recording of the Notice of Potential Environmental Conditions, the owner of the Property provided EPA or CDPHE a consent for access to sample the Property.

Sampling of the property soils were performed by [EPA or CDPHE] on [DATE]. The results from the sampling performed by [EPA or CDPHE] show lead and arsenic concentrations in the Property soils below the action levels.

EPA's records regarding the Property and the Site, may be requested from the U.S. Environmental Protection Agency, Region 8, Superfund Remedial Program, Remedial Project Manager, Vasquez Boulevard and Interstate 70 Superfund Site, 1595 Wynkoop Street, Denver, Colorado 80202..

**For purposes of indexing in the County Clerk and Recorder's office Grantor-Grantee index only, {Name of Owner of Record} shall be considered the Grantor, and EPA shall be considered the Grantee; nothing in this Notice shall be construed to create or transfer any right, title or interest in the Property.**

**United States Environmental Protection Agency**

By: \_\_\_\_\_

Date: \_\_\_\_\_

Bill Murray, Director  
Superfund Remedial Program  
U.S. Environmental Protection Agency  
Region 8

State of Colorado )

)

ss:

County of Denver )

Before me, a notary public, in and for said county and state, personally appeared Bill Murray, Director at the United States Environmental Protection Agency, who acknowledged to me that he did execute the foregoing instrument.

IN TESTIMONY WHEREOF, I have subscribed my name and affixed my official seal this \_\_\_\_ day of \_\_\_\_, 2013.

[SEAL]

**When Recorded Return To:**  
**Remedial Project Manager, EPR-SR**  
**Vasquez Boulevard and Interstate 70 Superfund Site**  
**U.S. Environmental Protection Agency, Region 8**  
**1595 Wynkoop Street, Denver, CO 80202**

**NOTICE OF POTENTIAL ENVIRONMENTAL CONDITIONS**

WHEREAS, [Name of Owner] is the owner of record of the real property (referred to as "the Property") located at [ADDRESS], Denver, Colorado [insert zip code], and more particularly described as follows:

(Insert legal description as shown in Denver records)

WHEREAS, the Property is within the boundaries of Operable Unit 1 of the Vasquez Boulevard and Interstate 70 Superfund Site (Site), as described in the Record of Decision (ROD) signed by the United States Environmental Protection Agency (EPA) on September 25, 2003. The ROD established cleanup objectives for lead and arsenic in residential soils to protect human health and prevent unacceptable exposures to adults and children.

WHEREAS, the EPA has prepared and recorded this Notice of Potential Environmental Conditions ("Notice") to disclose specific potential environmental conditions of the Property to subsequent owners of the Property.

NOW, THEREFORE, NOTICE is hereby given that, as of the date of this Notice, the EPA has not obtained soil samples from the above described Property.

The EPA obtained soil samples from over 4000 residential properties within the Site. Of this total, over 800 properties showed levels of lead and/or arsenic contamination that could present unacceptable risk to or make the property unsafe for children or adults. The levels at which the EPA determined that lead and/or arsenic in soil present an unacceptable risk (the so-called "action levels" in the ROD) were 400 parts per million (ppm) or greater for lead and 70 ppm or greater for arsenic.

As of the date of this Notice, the owner of the Property has declined the EPA's offer to sample the Property. The owner of the Property has been provided written notice of and an opportunity to comment on the filing of this Notice by certified mail.

The EPA's records regarding the Property and the Site, may be requested by contacting the the U.S. Environmental Protection Agency, Region 8, Superfund Remedial Program, Remedial Project Manager, Vasquez Boulevard and Interstate 70 Superfund Site, 1595 Wynkoop Street, Denver, Colorado 80202.

The information in this Notice may represent potential environmental conditions of which a seller would have current actual knowledge and thus, should be disclosed by the seller to the buyer prior to the sale or transfer of the Property.

**For purposes of indexing in the County Clerk and Recorder's office Grantor-Grantee index only, EPA**

[Signature Page Follows]

shall be considered the Grantor, and {Name of Owner of Record} shall be considered the Grantee; nothing in this Notice shall be construed to create or transfer any right, title or interest in the Property.

**United States Environmental Protection Agency**

By: \_\_\_\_\_ Date: \_\_\_\_\_

Bill Murray, Director  
Superfund Remedial Program  
U.S. Environmental Protection Agency  
Region 8

State of Colorado     )  
                                  )     ss:  
County of Denver     )

Before me, a notary public, in and for said county and state, personally appeared Bill Murray, Director at the United States Environmental Protection Agency, who acknowledged to me that he did execute the foregoing instrument.

IN TESTIMONY WHEREOF, I have subscribed my name and affixed my official seal this \_\_\_\_ day of \_\_\_\_\_, 2013.

[SEAL]



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8**

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<http://www.epa.gov/region08>

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Ref: 8EPR

DATE

NAME

MAILING ADDRESS 1

MAILING ADDRESS 2

RE: PROPERTY ADDRESS

CERTIFIED MAIL

Dear NAME:

By certified mail, the U.S. Environmental Protection Agency (EPA) Superfund Program is providing you, as the owner of the above referenced Property, with written notice of and an opportunity to comment on the filing of this Notice.

The EPA has attempted to contact you regarding potential soil contamination. **The letter mailed to you on April 19, 2013 was your last opportunity to have the EPA sample yard soils at your property and if necessary, clean up your yard soils as part of the federally funded cleanup at the Vasquez Boulevard/Interstate 70 (VB/I-70) Superfund Site.**

We explained in our previous letter that if you would not sign the consent for access, the EPA would be obliged to inform future owners and residents concerning potential environmental conditions at your property. The EPA will undertake the following measures to make sure that future residents are informed about potential contamination at your property:

1. **Each year, the EPA will mail a letter to the owner of the property and, if it is a rental property, to the occupants.** The annual letters will explain the potential for soil contamination in the yard of this property, that the EPA has not sampled the soils on the property and what steps residents can take to protect themselves from possible exposures to this soil contamination. This action will commence later in 2013.

- 2. The EPA will file and record a Notice of Potential Environmental Conditions with the Clerk and Recorder's Office of the City and County of Denver on your Property.** The Notice will address only yard soils and their status relative to sampling and cleanup. The purpose of the Notice is to notify future owners of potential contamination in your yard soil. Enclosed with this letter is a copy of the Notice that the EPA will file at the Clerk and Recorder's Office on your property.

The EPA's records regarding your Property and the Site may be requested from the U.S. Environmental Protection Agency, Region 8, Superfund Remedial Program, Remedial Project Manager, Vasquez Boulevard and Interstate 70 Superfund Site, 1595 Wynkoop Street, Denver, Colorado 80202.

If you believe that there is a valid reason why the EPA should not place this Notice on your Property, please identify said reason in writing. This written explanation should be received no later than 10 working days from the date that you receive this letter. The EPA will evaluate the explanation in your letter and notify you of its decision regarding filing of the Notice.

**To avoid having the EPA file this Notice on your Property, you may sign and return the consent for access enclosed with this letter. A signed consent for access should be received in our office by May 21, 2013.**

If you have any questions regarding the Notice or soil sampling at the above referenced Property, please contact me or Jennifer Chergo, the EPA Community Involvement Coordinator for the VB/I-70 Site, at (303) 312-6601, or by e-mail at [chergo.jennifer@epa.gov](mailto:chergo.jennifer@epa.gov). If you are submitting a written explanation concerning the justification for the Notice, please send that written explanation to me, either by letter or e-mail.

We appreciate your cooperation in this important matter of environmental protection.

Sincerely,

Paula Schmitt diel  
EPA Remedial Project Manager  
U.S. Environmental Protection Agency  
Region 8  
1595 Wynkoop Street  
Denver, Colorado 80202-1129  
Mail Code: 8EPR-SR  
(303) 312-6861  
[schmitt diel.paula@epa.gov](mailto:schmitt diel.paula@epa.gov)

Enclosures:  
Notice of Environmental Conditions  
EPA Consent for Access Form

DRAFT





**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8**

1595 Wynkoop Street  
DENVER, CO 80202-1129  
Phone 800-227-8917  
<http://www.epa.gov/region08>

**URGENT: PLEASE READ AND RESPOND**

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Ref: 8EPR

DATE

NAME

MAILING ADDRESS 1

MAILING ADDRESS 2

RE: PROPERTY ADDRESS

Dear NAME:

As you may know, your property is located within the boundaries of the Vasquez Boulevard/Interstate 70 (VB/I-70) Superfund Site. Approximately one out of every six properties in your neighborhood was found to have levels of lead and/or arsenic in its yard soil that could cause a variety of health problems in people, especially young children.

The U.S. Environmental Protection Agency (EPA) Superfund Program has attempted to contact you regarding potential soil contamination at the above referenced property. **This letter is intended to provide you with one last opportunity to sign the attached consent for access and to have the EPA sample yard soils at your property prior to the EPA proceeding with additional steps to ensure protection of human health and the environment at the VB/I-70 Superfund Site.**

If you sign and return the attached consent for access, the EPA will sample your yard soil for lead and arsenic. If samples show there is too much lead and/or arsenic relative to health based limits, the EPA will remove and replace the soil and re-landscape your yard as part of the federally funded cleanup of the VB/I-70 site. Sampling takes about two hours and does not damage or change your yard in any way. Under most circumstances, you do not need to be home when the crew comes to sample your yard. **The EPA requests that you sign and return the attached consent for access by May, 3, 2013.**



**If you do not sign the consent for access, the EPA must then consider protection of future residents from possible exposures. The EPA will do two things to make sure that future residents are informed about the potential contamination at your property:**

**1. Each year, the EPA will mail a letter to the owner of the property and, if it is a rental property, to the occupants.** The annual letters will explain that the yard has not been sampled and what steps residents can take to protect themselves from possible exposures to lead and arsenic.

**2. The EPA will file with the Clerk and Records Office of the City and County of Denver a notice of potential environmental conditions concerning your property.** This notice will address only yard soils and their status relative to sampling and cleanup. An example of the Notice that would be filed is attached to this letter.

Again, we request that you sign and return the attached consent for access by May 3, 2013. If you have any questions regarding soil sampling at the above referenced property, please contact me or Jennifer Chergo, the EPA Community Involvement Coordinator for the VB/I-70 Site, at (303) 312-6601, or by e:mail at [chergo.jennifer@epa.gov](mailto:chergo.jennifer@epa.gov).

We appreciate your cooperation in this important matter of environmental protection.

Sincerely,

Paula Schmitt diel  
EPA Remedial Project Manager  
U.S. Environmental Protection Agency  
Region 8  
1595 Wynkoop Street  
Denver, Colorado 80202-1129  
Mail Code: 8EPR-SR  
(303) 312-6861  
[schmitt diel.paula@epa.gov](mailto:schmitt diel.paula@epa.gov)

Enclosures:

EPA Consent for Access Form

Example of Notice of Environmental Conditions

DRAFT



**When Recorded Return To:**  
**Remedial Project Manager, EPR-SR**  
**Vasquez Boulevard and Interstate 70 Superfund Site**  
**U.S. Environmental Protection Agency, Region 8**  
**1595 Wynkoop Street, Denver, CO 80202**

**NOTICE OF ENVIRONMENTAL CONDITIONS**

WHEREAS, [Name of Owner] is the owner of record of the real property (referred to as "the Property") located at [ADDRESS], Denver, Colorado [insert zip code], and more particularly described as follows:

(Insert legal description as shown in Denver records)

WHEREAS, the Property is within the boundaries of Operable Unit 1 of the Vasquez Boulevard and Interstate 70 Superfund Site (Site), as described in the Record of Decision (ROD) signed by United States Environmental Protection Agency (EPA) on September 25, 2003. The ROD established cleanup objectives for lead and arsenic in residential soils to protect human health and prevent unacceptable exposures to adults and children.

WHEREAS, the EPA has prepared and recorded this Notice of Environmental Conditions ("Notice") to disclose specific environmental conditions of the Property to subsequent owners of the Property.

NOW, THEREFORE, NOTICE is hereby given that the EPA obtained soil samples from the Property, and those soil samples show levels of lead and/or arsenic contamination above health-based action levels.

The levels at which the EPA determined that lead and/or arsenic in soil in residential yards present an unacceptable risk (the so-called "action levels" in the ROD) are 400 parts per million (ppm) or greater for lead and 70 ppm or greater for arsenic. At the Property, the EPA's sampling of the surface soils found [ ] parts per million of lead and [ ] ppm of arsenic.

As of the date of this Notice, the owner of the Property declined the EPA's offer to clean up the Property. The owner of the Property has been provided written notice of and an opportunity to comment on the filing of this Notice by certified mail.

The records regarding sampling at the Property and other documents relevant to the Property and the Site, generally, may be requested from the U.S. Environmental Protection Agency, Region 8, Superfund Remedial Program, Remedial Project Manager, Vasquez Boulevard and Interstate 70 Superfund Site, 1595 Wynkoop Street, Denver, Colorado 80202.

The information in this Notice may represent environmental conditions of which a seller would have current actual knowledge and thus, should be disclosed by the seller to the buyer prior to the sale or transfer of the Property.

**For purposes of indexing in the County Clerk and Recorder's office Grantor-Grantee index only, EPA**

[Signature Page Follows]

shall be considered the Grantor, and {Name of Owner of Record} shall be considered the Grantee; nothing in this Notice shall be construed to create or transfer any right, title or interest in the Property.

**United States Environmental Protection Agency**

By: \_\_\_\_\_ Date: \_\_\_\_\_

Bill Murray, Director  
Superfund Remedial Program  
U.S. Environmental Protection Agency  
Region 8

State of Colorado     )  
                                  )  
County of Denver     )     ss:

Before me, a notary public, in and for said county and state, personally appeared Bill Murray, Director at the United States Environmental Protection Agency, who acknowledged to me that he did execute the foregoing instrument.

IN TESTIMONY WHEREOF, I have subscribed my name and affixed my official seal this            day of  
, 2013.

[SEAL]



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

**1595 Wynkoop Street, Region 8**

**DENVER, CO 80202-2466**

**Phone 800-227-8917**

**<http://www.epa.gov/region08>**

**CONSENT FOR ACCESS TO PROPERTY**

**RIGHT OF ENTRY TO PREMISES:**

The Property Owner (the Grantor) consents to and authorizes the United States Environmental Protection Agency (EPA) and its authorized representatives and their contractors collectively the Grantee, to enter and perform certain environmental response activities upon the following premises:

**Owner's Name:** \_\_\_\_\_

**Address of Property Covered**

**By this Agreement:** \_\_\_\_\_

**Daytime Phone No.** \_\_\_\_\_

**PURPOSE OF RESPONSE ACTIVITIES:**

The EPA is requesting access to collect soil samples and **where necessary** to remove soil that contains elevated concentrations of arsenic and/or lead that may pose a health hazard. If elevated concentrations are found, the soil will be removed and the excavated area will be replaced with clean materials and restored. This work is being performed as part of the Vasquez Boulevard/I-70 Superfund Site remediation program at no cost to the property owner. Soil sampling will be conducted during the summer of 2012 and the soil cleanup (if necessary) will be conducted in 2013.

An EPA representative will contact the Owner in advance of soil sampling. If based on sampling results soil cleanup is necessary, the EPA representative will contact the Property Owner in-person to discuss the cleanup on the property. **The Property Owner will have an opportunity to review and approve the restoration plan before cleanup begins.** Once the work is completed, the Property Owner will be asked to review the work and confirm that it is complete and meets the signed restoration plan. Upon completion, the Property Owner will receive written documentation from EPA that the property has been remediated.

**ENVIRONMENTAL RESPONSE ACTIVITIES:**

By signing this Access Agreement, the Property Owner is granting EPA, its employees and representatives including the United States Army Corps of Engineers (USACE) and their contractors and the Colorado Department of Public Health and Environment (CDHPE) the right to enter the property, at all reasonable times and with prior notice, for the sole purpose of performing the necessary work. This access shall remain in effect until the work has been satisfactorily completed. As necessary for either the soil sampling or for soil cleanup, the Property Owner also agrees to:

- Remove obstructions including boats, trailers, vehicles, playscape items, wood piles, dog houses, etc.;
- Remove flower bulbs or plants that the Property Owner or Property Owner's tenant may wish to save;
- Water and maintain replacement vegetation, including fertilizer application, as necessary subsequent to an initial watering period by EPA unless watering is restricted by Denver Water Board;
- Abide by health and safety guidance provided by EPA and/or its representatives;
- If the property is rented, assist EPA in obtaining tenant approval for access to the property to perform the work if EPA is unable to obtain such access; and
- Allow videotaping and/or photography of the property including exterior of buildings.

**AGREEMENT NOT TO INTERFERE**

The Property Owner agrees to not interfere or tamper with any of the activities or work being done, or the equipment used to perform the cleanup activities or to allow others to use the property in a conflicting manner.

This written permission is given voluntarily with knowledge of the right to refuse and without compulsion or promises of any kind. The Property Owner understands that if there is any damage to structures such as sidewalks that is caused by the work conducted by EPA or their authorized representatives, contractors, or sub-contractors then EPA or authorized representatives, contractors or sub-contractors shall repair such damage to the extent practicable.

☐ **I grant access to my properties**

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**Signature**

**Date**

**Mailing Address:** \_\_\_\_\_

After signing, please return to:

Paula Schmittiel, Remedial Project Manager  
 U.S. Environmental Protection Agency  
 1595 Wynkoop St.  
 Denver, Colorado 80202-1129  
 Mail Code: 8EPR-SR